

Message Text

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ACTION OES-06

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E.O. 11652: N/A

TAGS: OCLR EWWT PLOS NO

SUBJ: PORT CLEARANCE FOR MOBILE SEISMIC SHIP

REF: STATE 202133

1. PERTINENT PARTS OF NORWEGIAN ROYAL RESOLUTION OF FEBRUARY 9, 1968 GOVERNING HARBOR CLEARANCE (EMBASSY TRANSLATION) FOLLOW:

A. ROYAL RESOLUTION, PARA 9- "FOREIGN NON-MILITARY VESSELS OTHER THAN THOSE COVERED BY SUB PARA 8A RECEIVE A PRIOR PERMIT THROUGH DIPLOMATIC CHANNELS TO HAVE ACCESS TO INNER WATERS (AREAS WITHIN NORWAY'S BASELINES)."

B. ROYAL RESOLUTION, PARA 13- "AN APPLICATION FOR A PERMIT AS PROVIDED IN PARA 9 SHOULD NORMALLY BE IN THE HANDS OF THE PERTINENT NORWEGIAN AUTHORITIES AT LEAST 14 DAYS BEFORE THE ARRIVAL OF A VESSEL

THE APPLICATION SHOULD STATE THE OBJECT OF THE VISIT, THE NUMBER OF VESSELS, TYPES AND NAMES OF VESSELS, THE CALLING SIGNALS FOR THE VESSELS' RADIO STATION(S), THEIR INTENDED ROUTE IN NORWEGIAN TERRITORIAL WATERS, TIME(S), OF ARRIVAL, DURATION OF STAY, AND OTHER PERTINENT INFORMATION OF INTEREST."

C. ROYAL RESOLUTION, PARA 8A- EXEMPTS FROM DIPLOMATIC PORT CLEARANCE PROCEDURES "FOREIGN NON-MILITARY VESSELS TRADING FOR PROFIT (I ERVERVSMESSIG VIRKSOMHET) OR ENGAGED IN COMMERCIAL LIMITED OFFICIAL USE

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JUSTIFIED ACTIVITY."

2. IN 1976 MOBILE SENT THE STATE VICTORY, TO AAMOFJORDEN NEAR STAVANGER FOR DIVING INSPECTION FOR A MOBILE LOADING STRUCTURE. MOBILE APPLIED TO STAVANGER HARBOR MASTER FOR PORT CLEARANCE BUT WAS TOLD THAT CLEARANCE WOULD HAVE TO BE SOUGHT THROUGH THE NORWEGIAN FOREIGN MINISTRY BECAUSE AREA INVOLVED WAS A RESTRICTED AREA. MINISTRY INFORMED MOBILE THAT EMBASSY SHOULD WRITE DIPLOMATIC NOTE REQUESTING CLEARANCE FOR THE STATE VICTORY. CONSULAR SECTION DID NOT AND CLEARANCE DULY RECEIVED, ALTHOUGH VICTORY'S ARRIVAL WAS DELAYED BY REQUIREMENT THAT EMBASSY SEEK CLEARANCE FROM FOREIGN MINISTRY.

3. BECAUSE MOBILE HAD TO SEEK CLEARANCE FOR THE STATE VICTORY THROUGH FOREIGN MINISTRY, IT DISCUSSED REQUEST FOR CLEARANCE FOR ITS SEISMIC VESSEL, THE M/V FRED H. MOORE, WITH SAME FOREIGN MINISTRY CONTACT WITH WHICH MOBILE HAD DISCUSSED CLEARANCE FOR THE STATE VICTORY. FOREIGN MINISTRY OFFICIALS AGAIN INDICATED THAT DIPLOMATIC NOTE FROM EMBASSY WOULD BE REQUIRED, CONTRADICTING NORWEGIAN NAVY SOURCE WHO TOLD NAVAL ATTACHE'S OFFICE THAT NO CLEARANCE BEYOND THAT OF HARBOUR MASTER WAS REQUIRED SINCE THE FRED J. MOORE WAS A CIVILIAN SHIP.

4. AUTHORIZATION TO DO SEISMIC WORK ON NORWEGIAN CONTINENTAL SHELF IS NOT IN QUESTION SINCE MOORE IS OPERATING THERE WITH PERMISSION OF THE NORWEGIAN PETROLEUM DIRECTORATE ON BLOCKS 33/9 AND 33/12 FOR WHICH MOBILE HAS NORWEGIAN EXPLORATION LICENSE 037. FOREIGN MINISTRY CONTENTS, HOWEVER THAT MOBILE (MOORE) MUST STILL APPLY FOR PORT CLEARANCE DESPITE THIS LICENSE.

5. EMBASSY HAS NO RECORD OF SEEKING CLEARANCE FOR SEISMIC OR RESEARCH SHIPS OTHER THAN THE STATE VICTORY IN 1976 WHEN RESTRICTED AREA WAS ALLEGEDLY INVOLVED. EMBASSY AGREES THAT, CONSIDERING LARGER AMOUNT OF PETROLEUM RESEARCH OFF OFF NORWEGIAN COAST, CLEARANCE FOR MANY OTHER PRIVATE RESEARCH VESSELS MUST HAVE BEEN OBTAINED IN THE PAST FROM HARBOUR AUTHORITIES WITHOUT GOING THROUGH EMBASSY. IN CASE OF MOORE, EMBASSY DID NOT WISH TO ESTABLISH PRECEDENT WHICH WOULD REQUIRE THAT ALL SUCH FUTURE CLEARANCES BE OBTAINED THROUGH THE EMBASSY, IT WAS ALSO CONCERNED ABOUT POSSIBLE IMPLICATIONS FOR THE U.S. LOS POSITION (THIS WAS REASON FOR PLOS TAG).
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6. THE SEISMIC VESSEL M/V FRED H. MOORE BEARS THE REGISTRY USA NO. 507492, CALL SIGN WX8259, HAS A GROSS TONNAGE OF 297 (1000), AND LENGTH OF 165'. IT IS EQUIPPED WITH SATELLITE AND LORAN C NAVIGATION EQUIPMENT; TWO DECCA RN 317 RADARS WITH 48 MILES RANGE; BENDIS DRO 400 FATHOM RANGE AND EDO 185, 6000 FATHOM RANGE FATHOMETERS; KELVIN-HUGH MS-29 ECHO-SOUNDERS; SSB MARINE RADIO-TELEPHONE, AM MARINE RADIO TELEPHONE, AND VHF FM MARINE RADIO-TELEPHONE. IT

CARRIES A NORMAL CREW OF 32. IF IT NEEDS TO DOCK TO REPROVISION,
REFUEL, OR CHANGE CREWS, IT PLANS TO DO SO
BEFORE AUGUST 30.

7. EMBASSY HAS KEPT DISCUSSION OF PORT CLEARANCE FOR THE MOORE AT
LOW LEVEL IN THE FOREIGN MINISTRY PENDING RECEIPT OF GUIDANCE FROM
THE DEPARTMENT, BECAUSE OF ALLEGEDLY ERRONEOUS INFORMATION GIVEN
EMBASSY BY NORWEGIAN NAVY, FOREIGN MINISTRY HAS ISSUED PROVISIONAL
CLEARANCE FOR THE MOORE AND UNDERSTANDS THAT EMBASSY IS SEEKING
GUIDANCE ON A FORMAL REQUEST FOR CLEARANCE FROM WASHINGTON.

8. COMMENT: ISSUE APPEARS TO BE QUESTION OF INTERPRETATION OF
WHAT IS A COMMERCIAL VESSEL. EMBASSY AGREES THAT DIPLOMATIC CHANNELS
SHOULD NORMALLY BE USED ONLY FOR PUBLIC VESSELS AND OCCASIONALLY
FOR PRIVATE VESSELS IN SPECIAL CIRCUMSTANCES BUT NOT FOR
CASES SUCH AS THE MOORE.

9. ACTION REQUESTED: AUTHORIZATION AND GUIDANCE FOR FURTHER DIS-
CUSSION WITH FOREIGN MINISTRY OF NORWEGIAN PORT CLEARANCE PROCEDURES
FOR PRIVATE VESSELS SUCH AS THE MOORE WITH VIEW TO ACCEPTANCE OF
U.S. INTERPRETATION OF WHAT CONSTITUTES A COMMERCIAL VESSEL.
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